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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/255,094 02/22/99 ROGGE

T 28944/35376

EXAMINER

PM82/0509

WILLIAM E MCCRACKEN
MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606-6402

BURCH, M

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

05/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/255,094

Applicant(s)

ROGGE ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - The excessive use of claim format and claim language including but not limited to "said planar basis" on pg. 4 line 2 is found throughout the application and is improper.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2-5, 7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 7. Applicant uses the term folded tabs for two different sets of folded tabs in line 4 of the seventh bullet and in line 1 of the ninth bullet. Examiner advises Applicant to amend the term to clearly distinguish between the different sets of folded tabs.

Re: claim 10. The phrase "molded the elastomer body is molded" in line 9 is unclear due to poor sentence structure.

Claim 10 recites the limitation "the two windows" in line 5 from the bottom of the claim. There is insufficient antecedent basis for this limitation in the claim.

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Re: claim 12. Claim 12 recites the limitation "the first rigid strength member" in line 3 from the bottom of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-4, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 58-37337. Japanese Patent 58-37337 discloses an antivibration mount in figures 1 and 2 comprising a first rigid strength member 5, a second rigid strength member 4, 14 an elastomer body 3a, first and second fingers 5b on the first strength member substantially perpendicular to vibration direction and extending outward in opposite directions, first and second folded tabs which are at the ends of element 4 pierced by windows 4b, the two fingers of the first strength member passing through the windows to constitute the limitation means.

The limitation of a metal second rigid strength member that is substantially U-shaped with a basis 14 and two lateral wings (at the ends of 4) constituting the tabs is shown in figures 1 and 2. Since the term integral is not necessarily restricted to a one-piece article and is sufficiently broad to embrace constructions united by such means as

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fastening, welding, etc., the union of the basis 14 and the two lateral wings (at the ends of 4) is integral by definition.

The limitation of fingers integral with the first strength member is shown in figures 1 and 2.

The limitation of elastomer 13 stops secured to one of the first or second strength members is shown in figures 1 and 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 58-37337. Japanese Patent 58-37337 teaches the use of elastomeric stops 13 in figures 1 and 2, but does not disclose the limitation of the elastomeric stops being molded on the tabs of the second strength member oriented towards the first strength member. It would have been obvious to one of ordinary skill in the art to have constructed the movement limitation means of the mount with stops being molded to the perimeter of the window of the tabs of the second strength member instead of the perimeter of the fingers of the first strength member as shown in figures 1 and 2 of Japanese Patent 58-37337 as an alternate means of limiting the movement of the first and second strength members in the axial direction.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 58-37337 in view of Cauvin. Japanese Patent 58-3733 discloses the invention substantially as set forth above in rejections to claims 2-5, 11, and 12 including a single threaded pin 6 extending away from the first strength member 5, but does not teach the use of two parallel folded tongues. Cauvin teaches in figure 2 the use of folded tongue (ends of 14). It would have been obvious to one of ordinary skill in the art to have modified the second strength member of Japanese Patent 58-37337 to include two parallel folded tongues, as taught by Cauvin, extending in a direction opposite that of the first rigid member in order to assist the single threaded pin 6 in aligning and securing the connection of the second strength member to a part of the vehicle such as the motor bracket or the vehicle chassis.

Allowable Subject Matter

9. Claim 7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

10. Applicant's arguments filed 3/21/01 have been fully considered but they are not persuasive. JP 53-37337 clearly shows in figure 1 the limitation of the windows of the first and second folded tabs of the second rigid strength member 4 adjacent or next to the flat basis of the second strength member and JP 53-37337, *as modified in view of Cauvin*, teaches the limitation of two parallel folded tongues which are arranged in

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correspondence to the two windows to the same extent as the present invention and which extend from the flat basis away from the first strength member.

11. Applicant's arguments filed 3/21/01 regarding claim 7 have been fully considered and are persuasive. The prior art fails to show or suggest the limitations directed to the specific arrangement of the lugs in combination with the structural mount limitations.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

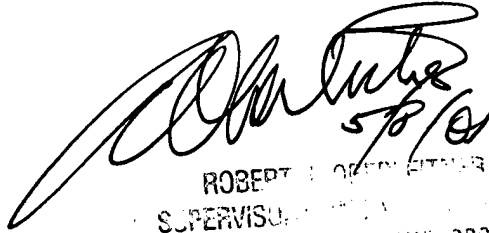
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Oberleitner can be reached on 703-308-2569. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb
May 8, 2001


5/8/01
ROBERT J. OPPENHEIMER
SUPERVISOR, PATENT CENTER
TECHNOLOGY CENTER 3600